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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,308

11/04/2003

Kenneth J. Krieter

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06/26/2007

GRACO MINNESOTA INC

PO BOX 1441

MINNEAPOLIS, MN 55440

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

06/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/701,308	KRIETER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charlie C. Agwumezie	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Status of Claims**

1. Claims 1-3 are pending in this application per the response to office action filed on March 30, 2007.

### ***Response to Arguments***

2. Applicant's arguments filed March 30, 2007 have been fully considered but they are not persuasive.

With respect to claims 1-3, Applicant argues that while Johnson Jr. may have unique addresses, the disclosure therein typifies prior art devices where each remote device or unit has a hard-coded identifier which is applied during manufacture.

In response, Examiner respectfully disagrees and submits that Johnson Jr. does disclose the claimed transmitting an encrypted address unique to each remote location device. While a MAC address is usually hard-coded at the factory as stated by the Applicant, Johnson's identifier as disclosed is not a MAC address as the Applicant seems to suggest or at least Johnson did not say that the identifier is a MAC address. Johnson does disclose transmitting an encrypted unique identifier for each remote location device (fuel dispensing device) as shown in the rejection. Applicant is further reminded that the concept of dynamically assigning IP addresses and/or encrypted IP addresses are old and notoriously well known in the art that no further explanation is required here.

Applicant further argues that Johnson Jr. has a tag identifier on a card and there is no indication that Johnson Jr.'s POS device assigns that identifier.

In response, Examiner agrees that every card has an identifier of some sort for example MAC address. However, the identifier here is not a MAC address as Applicant seems to speculate. The tag identifier is located and transmitted by the POS device and the identifier is used subsequently for communication between the host system and the remote location devices as shown in the rejection.

Applicant further argues that there is no suggestion or motivation as to how or why one would apply Johnson to Rogers...

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references teaches a method of dispensing fluid through each of the dispensing remote location device. Thus there is a motivation to combine the references as shown in the rejections.

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al U.S. patent Application Publication No. 2002/0049549 A1 in view of Johnson, Jr. U.S. Patent No. 6,078,888.

As per **claim 1**, Rogers et al discloses a method for registering and communicating between a central control authorization point and a plurality of remote location devices comprising the steps of:

providing a said remote location device (0025; 0026; 0045);

preparing said remote location device for registration (0025; 0026; 0045);

registering said remote location device on said central control authorization point and assigning and transmitting an encrypted address unique to each said remote location device from said central control authorization point and storing said unique address on said remote location device (see fig. 2, 0025; 0026; 0045; 0047); and

utilizing said unique encrypted address for communication between said central control authorization point and said remote location device (figs. 1 and 2; 0140; 0141; 0143; see claim 16).

What Rogers et al does not explicitly teach is transmitting an encrypted address unique to each remote location device.

Johnson Jr. discloses transmitting an encrypted address unique to each remote location device (col. 3, lines 10-45; see claims 24, 25, 27 and 93; ...unique identifier for each transponder...).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Rogers et al and incorporate a method of transmitting an encrypted address unique to each remote location device as taught by Johnson Jr. in order to uniquely identify each remote location device before authorization of the transaction and further ensure security.

As per **claim 2**, Rogers et al further discloses the method wherein said remote location device comprises a fluid meter (0002; 0003; 0020; 0021; 0022).

As per **claim 3**, Rogers et al further discloses the method wherein said remote location device comprises a tank level monitor (0044; 0045; 0046; 0143).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

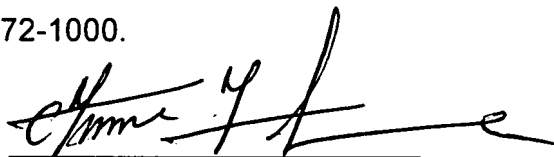
**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C.L. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Charlie Lion Agwumezie**  
**Patent Examiner**  
**Art Unit 3621**

**Acc**  
**June 11, 2007**



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